

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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TRUSTEES OF EMPIRE STATE  
CARPENTERS ANNUITY,  
APPRENTICESHIP, LABOR-MANAGEMENT  
COOPERATION, PENSION, and WELFARE  
FUNDS,

Petitioners,  
-against-

AKWESASNE CONSTRUCTION, INC.,  
Respondent.

**ADOPTION ORDER**  
15-CV-6449 (ADS)(AYS)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D. N.Y.

★ NOV 08 2016 ★

LONG ISLAND OFFICE

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**APPEARANCES:**

**Virginia & Ambinder LLP**  
*Attorneys for the Plaintiffs*  
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7th floor  
New York, NY 10004

By: Elina Burke, Esq.,  
Jonathan Roffe, Esq.,  
Charles R. Virginia, Esq.,  
Nicole Marimon, Esq., Of Counsel

**NO APPEARANCES:**

**Akwesasne Construction, Inc.**  
*The Defendant*

**SPATT, District Judge.**

On November 11, 2015, the Petitioners Trustees of Empire State Carpenters Annuity, Apprenticeship, Labor-Management Cooperation, Pension and Welfare Funds (collectively, the "Petitioners") commenced this action pursuant to Section 502 of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1132; Section 301 of the Labor Management Relations Act of 1947 ("LMRA"), 29 U.S.C. § 185; and Section 9 of the Federal Arbitration Act, 9 U.S.C. § 9, seeking to confirm a September 22, 2015 Arbitration Award (the

“Award”) and Order rendered pursuant to a collective bargaining agreement between the Northeast Regional Council of Carpenters and Akwesasne Construction, Inc. (the “Respondent”).

On March 18, 2016, the Petitioners filed a motion for default judgment and in the alternative, to confirm an arbitration award.

On March 19, 2016, the Court referred the Petitioners’ motion to United States Magistrate Judge Anne Y. Shields for a report and recommendation as to whether the default judgment should be granted and, if so, whether damages should be awarded.

On April 6, 2016, Judge Shields issued a report and recommendation (the “R&R”) recommending that the Award be confirmed and Petitioners be awarded the outstanding amount of the award of \$30,191.76 plus \$1,391.97 in attorneys’ fees and costs, for a total of \$31,583.73.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at \*1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Clerk of the Court is directed to enter judgment for the Petitioners in accordance with the R&R, and to close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
November 8, 2016

s/ Arthur D. Spatt

ARTHUR D. SPATT

United States District Judge